

ANTHONY BRYANT EAVES, )  
 )  
Plaintiff, )  
 )  
 v. )  
 ) Civil Action No. 13-409  
MARK SHOLEK, et al., )  
 )  
Defendant. )

AND NOW, this day of 12th day of September, 2013, after the Plaintiff Anthony Bryant Eaves, filed an action in the above-captioned case, and after a Report and Recommendation was filed by United States Magistrate Judge Maureen P. Kelly on August 20, 2013 granting the parties fourteen (14) days (or until September 3, 2013), to file written objections thereto, and Plaintiff having filed no objections by today's date, which is now nine (9) days past the above-stated deadline, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, (Docket No. [14]), which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Amended Complaint shall be  
DISMISSED pre-service for failure to state a claim upon which relief can be granted. *See* 28  
U.S.C. §1915(e);

IT IS FURTHER ORDERED that the Clerk of Court is directed to mark this case  
CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court,

at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

*s/Nora Barry Fischer*  
Nora Barry Fischer  
United States District Judge

cc: Anthony Bryant Eaves  
HQ-8061  
SCI Graterford  
Box 244  
Graterford, PA 19426-0426

Honorable Maureen P. Kelly  
United States Magistrate Judge

All Counsel of Record by electronic filing